

Vote **NO** on Legislation Expanding the PATRIOT Act

November 16, 2005

Dear Democratic Colleague:

We urge you to vote no on the Conference Report for H.R. 3199, the reauthorization of the PATRIOT Act. Instead of reigning in the government's extraordinary surveillance and wiretap authorities created under the PATRIOT Act, the Conference report expands the government's access to our most private matters and includes numerous non-PATRIOT provisions that were in neither the House or the Senate bill.

The following are some of the most significant problems with the **Conference Report**:

No 4-year Sunsets for Controversial Provisions: On November 9th, this House voted unanimously in support of 4-year sunsets for only the most dangerous and controversial sections of the PATRIOT Act: intelligence orders, roving wiretaps and the lone wolf authority. Unfortunately, the Conference Report includes only a 7-year sunset making meaningful oversight very difficult for the next several Congresses.

No Standard for Library and Other Intrusive Records: The Conference Report still leaves Section 215 of the PATRIOT Act, orders for any tangible thing, subject to only a "relevance" standard, allowing the government to go on fishing expeditions. It allows for a very limited right to judicial review that is of questionable value.

No Standard for Issuing or Meaningful Challenge to National Security Letters: Last week we learned that over 30,000 national security letters are issued every year to banks, internet providers, insurance companies and other businesses without court approval. However, the Conference Report provides no meaningful mechanism to challenge these letters in court. Even worse -- the legislation has no way to ensure that the private information is destroyed after it's collected, letting it sit in government databases forever.

Habeas Corpus: New language contained in section 507 of the Conference Report makes considerable changes to the cherished right of habeas corpus. These alterations are badly conceived and hastily and poorly drafted. Under current law, a state is eligible to receive a special set of procedural rules for death penalty cases (rules that are advantageous to the state) if the state establishes an effective system for providing competent counsel to indigents in state postconviction proceedings. Currently, the determination as to whether or not a state's scheme for supplying counsel meets the statutory criteria is left up to the federal courts.

Section 507 changes this relationship and unbalances habeas corpus laws. Under this new language, states would no longer have to satisfy federal courts that their systems for providing counsel in state proceedings are adequate. The authority to approve state

schemes would be transferred to the Attorney General. Needless to say, the Attorney General is the nation's chief *prosecutor* and thus is hardly an appropriate officer to decide whether a state has kept its part of the "opt in" bargain.

In addition, the legislation includes numerous new death penalty provisions which are unrelated to the original PATRIOT Act.

No Need-Based Funding for First Responders: The House passed bill included first responder grant formulas that would have assured that areas at greatest risk would receive the most money. Supported by over 400 Representatives (Roll call no. 170), it is not in the [Conference Report](#).

Various Non-PATRIOT Bills: Numerous bills that have nothing to do with the PATRIOT Act have been added to the bill, creating a virtual Christmas tree and violating House rules to pass a clean bill. Among other things, the Conference Report adds provisions relating to: 1) methamphetamines 2) the Presidential line of succession; 3) employment requirements and benefits of US Attorneys and US Marshals, and; 4) new authorities for the Secret Service. These may be good provisions, but this bill should not be the vehicle for unrelated issues.

Lack of Bipartisanship: House Democrats were cut out of substantive negotiations over the final bill. The end product clearly reflects this lack of input.

Don't let Congress play games with our civil liberties. Vote no on the [Conference Report](#) to H.R. 3199.

John Conyers, Jr.
Ranking Member
House Judiciary Committee
Committee

Barney Frank
Ranking Member
House Financial Services

Jerrold Nadler
Ranking Member
Subcommittee on the Constitution

Rick Boucher
House Judiciary Committee